

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Willie Frazier, # 219272,
a/k/a Willie Bernard Frazier,

Plaintiff,

vs.

South Carolina Department of Corrections,
Warden Canning,
Major Smith,
Captain Davis

Defendants.

) C/A No. 4:19-1272-MGL-TER

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ORDER

On July 11, 2019, Plaintiff filed a Motion for Leave to File an Amended Complaint, seeking to add three defendants but did not attach a proposed Amended Complaint. (ECF No. 40). Plaintiff is ordered to file one complete proposed Amended Complaint within 20 days of the date of this order. Plaintiff is advised that an amended complaint will supercede the previous original complaint, and it must be complete in itself without reference to the prior or superceded pleading. **Therefore, in an amended complaint, as in an original complaint, each claim and the involvement of each defendant must be sufficiently alleged.** The amended complaint should be clearly and boldly titled “Amended Complaint,” refer to the appropriate case number, and be an original, signed under penalty of perjury. Plaintiff is reminded that an amended complaint replaces the original complaint and should be complete in itself. *See Young v. City of Mount Ranier*, 238 F.3d 567, 572 (4th Cir. 2001) (“As a general rule, an amended pleading ordinarily supersedes the original and renders it of no legal effect.”) (citation and internal quotation marks omitted); *see also* 6 Charles Alan Wright et al., Federal Practice and Procedure § 1476 (3d ed. 2017) (“A pleading that has been amended under Rule 15(a) supersedes the pleading it modifies and remains in effect throughout the action unless it subsequently is modified. Once an amended pleading is interposed, the original pleading no longer

performs any function in the case . . .”).

Plaintiff’s motion (ECF No. 40) shall remain pending until the court reviews the proposed Amended Complaint. If Plaintiff does not file one complete proposed Amended Complaint as ordered in compliance with the directions above within the applicable time period, the motion (ECF No.40) will be denied and the Complaint (ECF No. 1) will be considered as the only active complaint.

IT IS SO ORDERED.

August 15, 2019
Florence, South Carolina

s/ Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge